



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,394	12/02/2004	Koichi Iida	59243.00011	5059
32294 7590 03/26/2008 SQUIRE, SANDERS & DEMPSEY L.L.P. 8000 TOWERS CRESCENT 14TH FLOOR TYSONS CORNER, VA 22182-2700				
EXAMINER				
BASIT, ABDUL				
ART UNIT		PAPER NUMBER		
3694				
MAIL DATE		DELIVERY MODE		
03/26/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/516,394

Applicant(s)

IIDA ET AL.

Examiner

ABDUL BASIT

Art Unit

3694

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s) Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s) Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to Applicant's remarks received on 1/3/2008.

Overview of Office Action

1. Claims 1-4 and 6-7 are pending. Applicant cancelled claim 5.
2. Claims 1-7 are still rejected under 35 USC 112 and 35 USC 103
3. The Office has responded to specific arguments pertaining to claims 1, 4 and 7. Applicant has argued that all other claims are allowable because claims 1, 4 and 7 are allowable. Since claims 1, 4 and 7 have been rejected, claims 2-3 and 6 are also rejected.
4. This is a final action on the merits.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-7 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Issues

1. The specification is confusing as to the sequence of events in the order management system. On pages 6-7, the specification goes through parts 11 to 15 as

the sequence in the order management system. However on pages 8-11, the specification does not provide the same sequence. Instead, using figure 2, the sequence is 13, 11 and 14.

Applicant's response

Applicant argues that page 6, lines 24-27 does not explicitly describe that terminal 10 contains elements 11-15 in a specific sequence. The Office disagrees. The specification does not explicitly state that the sequence may be different than proceeding from 11 to 15. Because of the nature of the Applicant's invention, order management system, one can view the information, and figure 1, as suggesting that there is a sequence.

Applicant's argument also contradicts Applicant's own use of the word sequence in claim 4. A person of ordinary skill in the art would view the sequence as being from 11-15. This portion of the rejection still stands.

2. The specification does not explain the relationship between the dates and quantities described in figure 3 and the order amounts in figure 4.

Applicant's response

Applicant argues that figures 3 and 4 have no specific relationship. Applicant states on page 8 of the response that figure 3 shows displaying an order management table. Applicant further states that figure 4 illustrates displaying an order management table. Based on Applicant's own statement, figure 3 and figure 4 both display an order management table. This contradicts Applicant's assertion that there is no relationship

between figures 3 and 4 since Applicant has declared that both show displaying an order management table. This portion of the rejection still stands.

3. On page 12, the specification does not explain what is a first predetermined period and a second predetermined period.

Applicant's response

Applicant argues that a first predetermined period is modifiable whereas a second predetermined period is not modifiable. This does not explain what is meant by predetermined. The specification describes a first period and second period. It is unclear how these periods compare to a predetermined period. This portion of the rejection still stands.

4. On page 12, the specification does not explain why it would be necessary to allocate an option to be modifiable or un-modifiable.

Applicant's response

Applicant argues that an option is modifiable so that the latest quantities are obtained. However, the Applicant has not explained why an option would not be modifiable. This portion of the rejection still stands.

5. On page 12, the specification does not explain what is meant by a period.

Applicant's response

Based on Applicant's arguments, this portion of the rejection is withdrawn.

Art Unit: 3694

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 and 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Sheldon (US Pat. No. 5,765,143) in view of Wojcik (US Pat. No. 7,058,596) and in further view of Barts (US Pub. No. 2002/0082893).

Regarding claim 1:

Sheldon teaches an order management system for managing orders of resources for production of products, configured by a computer having an input device and an image displaying device, comprising:

- A storage device for storing an order management table indicating an order quantity and a required quantity of resources of each period among a plurality of periods; (see columns 3 and 4 generally)
- First ordering means retrieving required quantity of resources of each period from the storage device, and transmitting a first order information indicating required quantity of resources of each period directly as an order quantity to an order received management terminal by a network; (see columns 3 and 4 generally)
- Required quantity determination means for period retrieving from the storage means, the order management table showing the order quantity of resources of each period indicated as the first order information transmitted by the first

ordering means, and displaying the order management table on the image
displaying device: (see columns 3 and 4 generally)

Wojcik, not Sheldon, teaches correction means for correcting the required quantities of resources in one or more periods included in a second predetermined period following a first predetermined period to decrease the plurality of periods when the required quantities of resources in one or more periods included in the first predetermined period are corrected to increase by a user's operation of the input device, wherein the decreased amount of the required quantities corresponds to the increased amount of the required quantities: *(see column 18, lines 35-50)*

Barts, not Sheldon, teaches second ordering means for determining latest order quantity of resources in each period included in the first predetermined period to equal to the required quantity of resources in each period included in the first period, and determining latest order quantity of resources in each period included in the second predetermined period to equal to the required quantity of the resources in each period of the second predetermined period corrected by the correction means, and then transmitting a creating second order information indicating latest order quantity of resources of each period included in each of the first predetermined period and the second predetermined period quantities obtained by modifying the placed order quantities based on the required quantities corrected by said connection means for a plurality of periods in a first predetermined period and indicating latest order quantities obtained by modifying the placed order quantities so as to suppress a fluctuation in an

information to the order received management terminal by a network. (*see paragraph 137*)

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify Sheldon with Wojcik and Barts. Motivation to modify exists because updating order quantities helps to reduce inventory costs. Also suppressing a fluctuation also helps to reduce costs.

Applicant's Response

Applicant argues that Wojcik does not teach the method of correction as given in claim1. The Office disagrees. In column 18, Wojcik discusses cycle counts and feedback, which teaches the portion of claim 1 dealing with correction means.

Applicant also argues that Barts does not teach a second ordering means. The Office disagrees. A feedback loop inherently teaches a second ordering means, since the feedback makes a correction and results in a second order amount.

Regarding claim 2:

Sheldon teaches that the order management system according to claim 1, when the required quantity of resources in periods included in the first predetermined period indicated by the order management table is corrected to decrease by a user's operation of the input device, the second ordering means modifies places order quantity of resources in each period included in each of the first predetermined period and the second predetermined period to equal to the required quantity of resources in each period included in each of the first predetermined period and the second predetermined

period, and transmits the second order information to the order received management terminal by a network. (see column 3, lines 10-20)

Regarding claim 6:

Barts, not Sheldon, teaches for the order management system according to claim 1, the second ordering means determines the latest order quantity of resources in a way that a fluctuation from an entire last time order quantity of resources in the plurality of periods to an entire latest order quantity is not over an upper limit. (see paragraph 137)

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify Sheldon with Barts. Motivation to modify exists because updating order quantities helps to reduce inventory costs.

Regarding claim 3:

Wojcik, not Sheldon, teaches that for the order management system according to claim 1, wherein said second ordering means modify the placed order quantities to decrease in order of precedence from the first period among the plurality of periods in the second predetermined period. (see column 18 generally)

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify Sheldon with Wojcik. Motivation to modify exists because updating order quantities helps to reduce inventory costs.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheldon (US Pat. No. 5,765,143) in view of Wojcik (US Pat. No. 7,058,596) and in further view of Barts (US Pub. No. 2002/0082893) and in further view of Muraoka (US Pat. No.

Art Unit: 3694

7,058,596).

Regarding claim 4:

Muraoka, not Sheldon, teaches that the order management system according to claim 1, comprising production plan creation means for creating production plans of products sequentially, wherein said required quantity determination means determines latest required quantities of resources based on a latest production plan created by the production plan creation means. **(see column 3, lines 34-55)**

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify Sheldon with Muraoka. Motivation to modify exists because updating order quantities helps to reduce inventory costs.

Applicant's Response

Applicant argues that Muraoka does not teach creating production plans sequentially based on a latest production plan. The Office disagrees.

Muraoka states:

"It is a further object of the present invention to provide a novel production management system capable of planning, correcting and managing a production schedule in a manner that both targets in production amounts and delivery data are surely achieved." (column 3, lines 36-40)

This suggests that there is a sequential system since Muraoka teaches a production management system which inherently teaches a sequence of events. Also Muraoka teaches the latest production plan since the production management system plans and corrects a schedule. Since planning and correcting are related to current and future goals, Muraoka does teach the latest production plan. The rejection stands.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheldon (US Pat. No. 5,765,143) in view of Wojcik (US Pat. No. 7,058,596) and in further view of Barts (US Pub. No. 2002/0082893) and in further view of Lidow (US Pub. No. 2002/0019761)

Regarding claim 7:

The order management system according to claim 6, further comprising information acquiring means for acquiring information on a supply capacity of resources of the person receiving the orders from his/her order received management terminal, wherein said second ordering means controls the upper limit on the basis of the information on the supply capacity of resources of the person receiving the orders acquired by the information acquiring means.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify Sheldon with Lidow. Motivation to modify exists because information on a supply capacity helps to better determine production and inventory costs.

Applicant's Response

Applicant argues that Lidow does not teach upper limits. The Office disagrees. According to Lidow, each supplier falls within a supply capacity constraint. This suggests an upper limit.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABDUL BASIT whose telephone number is (571)272-7246. The examiner can normally be reached on Monday - Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571 272 6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/aqb/

/James P Trammell/
Supervisory Patent Examiner, Art Unit 3694

Application Number**Application/Control No.**

10/516,394

**Applicant(s)/Patent under
Reexamination**

IIDA ET AL.

Examiner

ABDUL BASIT

Art Unit

3694